

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MICHAEL DAY,

Plaintiff,

-v-

JEFFREY SLOTHOWER *and* BATTERY PRIVATE, INC.,

Defendants.

21 Civ. 1188 (PAE)


ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received *pro se* defendant Slothower's Answer, in his individual capacity, to the Complaint in this action. Dkt. 34. The Court has also received Slothower's letter asking the Court to deny plaintiff's motion for default judgment. Dkt. 33. The Court will resolve that motion after it receives plaintiff's reply, due on November 19, 2021. *See* Dkt. 32.

In his letter, Slothower also moves for an extension of the deadline for corporate defendant Battery Private, Inc. (the "corporate defendant") to answer or otherwise respond to the Complaint, and to respond to the motion for default judgment. The Court reminds both defendants that "a layperson may not represent a separate legal entity such as a corporation." *Lattanzio v. COMTA*, 481 F.3d 137, 139 (2d Cir. 2007). As a corporation, the corporate defendant cannot defend this lawsuit unless it finds counsel. The Court, accordingly, will give it until **December 5, 2021** to retain an attorney and for that attorney to formally appear on its behalf. In the event that the corporate defendant remains unrepresented after December 5, 2021, the Court will be compelled to treat plaintiff's motion for entry of a default judgment against the corporate defendant as unopposed, on account of its inability to defend this lawsuit. Plaintiff's deadline to reply to the corporate defendant's response to the motion for entry of default judgment is **December 29, 2021**.

SO ORDERED.

A handwritten signature in black ink, reading "Paul A. Engelmayer". The signature is written in a cursive style with a horizontal line underneath it.

PAUL A. ENGELMAYER  
United States District Judge

Dated: November 5, 2021  
New York, New York